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## A Story We Haven't Heard

### Police Brutality in Jamaica



Source: [www.amnesty.ca](http://www.amnesty.ca)

Author › Ashley Jung  
Contributor

I suspect it is common for all of us to have heard about police brutality in the United States, especially against black males. The powerful Black Lives Matter movement has pushed most news outlets to report these crimes and this has a strong effect on society. When unwarranted police brutality is made public and discussed, it exposes offenders and forces society to question the apparent systemic racism present in the law enforcement institution. When the entire country and many other parts of the world hear this news, it forces the law enforcement institution as a whole to become more accountable for its actions.

So, what happens in places where police brutality goes unreported and is unknown to the rest of the world? This is currently the situation in Jamaica.

Since 2000, approximately 3,000 people have been killed by police in Jamaica. Most of the victims have been young and poor males. To put that into perspective, approximately 20 people are killed by police per year in Canada. That would be around 340 people killed by police since 2000. The population of Canada is over 12 times the population of Jamaica. Three thousand people killed by police since 2000 in Jamaica is an outrageous number.

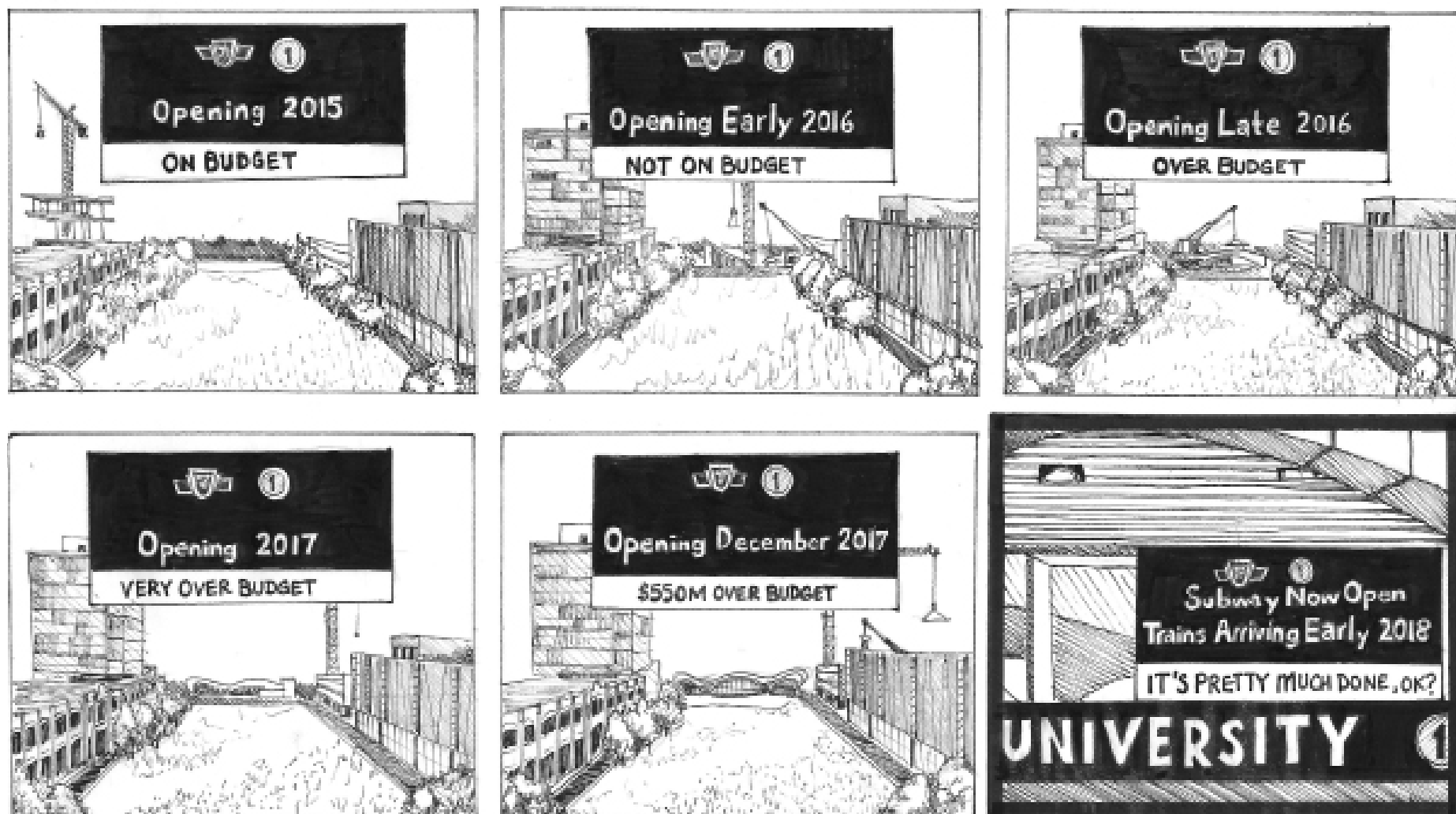
It's difficult for us as human beings to relate to numbers and abstract figures as opposed to real people. The real person story that initially piqued my interest in this specific topic is the story of Nakiea Jackson. His story is told by his sister Shackelia Jackson.

» Continued on page 5

## In this Issue...

editors' note	
Editorial Cartoon .....	2
opinion	
A Thirst For Life .....	4
Ian's best of	
Nolite Te Bastardes Carborundorum .....	6
news	
Don't Feed The Troll .....	11

# Editorial Cartoon



CITIZEN/CAMPBELL

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# Let's Talk About Grades

Author › Nancy Carlson  
Contributor

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Public Address

This is not an official transcript.

Session	Course	Title	Grade
W117	EW LAW 2000 4:00 P	Business Associations	
W117	EW LAW 2400 4:00 P	Evidence	
W117	EW LAW 2500 4:00 P	Criminal Procedure	
W117	EW LAW 3500 3:00 M	Judgment & Decision Making	
F415	EW LAW 2110 4:00 A	Native Rights	B
F415	EW LAW 2600 3:00 A	Securities Regulation	C+
F415	EW LAW 2800 4:00 A	Environmental Law	B+
F415	EW LAW 3000 4:00 A	Lawyer as Negotiator	A
W115	EW LAW 1000 4:00 A	Property I	B+
W115	EW LAW 1200 3:00 A	Ethical Lawyering in a Global Community	B
W115	EW LAW 1300 8:00 A	Legal Process	B
W115	EW LAW 1500 8:00 A	State & Citizens: Public & Constitutional	B
W115	EW LAW 2500 3:00 M	Law And Economics	B
F414	EW LAW 1010 4:00 A	Contracts	D+
F414	EW LAW 1000 4:00 A	Torts	B
F414	EW LAW 1040 4:00 A	Criminal Law I	B

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I was thinking one of the best ways to talk about grades was to *talk about actual grades*. So here are mine.

One of the most ridiculous things to tell a group of law students is ‘don’t worry about grades.’ Oh, okay. How about don’t grade us? Or how about don’t have employers ask to see them?

I would like to be able to tell you I never think or care about grades on account of being so grounded and mature. I am, literally, a “mature student” (I’m 37); I am now a mother (I have the best little one-year-old son) and I am in 3L. I think about grades all the time.

I don’t need to explain how competitive the law school environment is. I have always been devastatingly uncompetitive. I would practically rather lose than win. But all that

changes in law school, almost by osmosis we start to try (or at least WANT) to beat each other. I am constantly curious about people’s grades and wonder what/if people think my grades are like. I am always worried they think I am dumb and so my grades must be bad. Despite never having asked a single person about their (or anyone else’s grades), I could tell you at least 30 people’s grades in different classes, many of these people I have never even spoken to.

In first year I was so confused about what happened to people who got C’s. It seemed like they must all get rounded up and driven out of town. I went and asked Dean Sossin about it. I needed to hear it from the top that people who got C’s (not just one to make them seem well rounded) still graduated and became lawyers and lived fulfilling lives. He said

they did. It’s hard to believe though right?

I want to show you my grades because I think it would be satisfying to see someone’s official transcript – the whole thing, not a rumour, the real thing. I have felt both thrilled by my grades and insecure about them. I was so proud of my A in Climate Change Law and then promptly wrote it off because the class was less than 15 people. I reread my contracts exam and still don’t really see the problem with it. I did not deserve a B+ in Copyright. I have thought about these, and also what I might get on my next set of exams FAR MORE than I would like to admit. So I am writing this in an attempt to try and take the power out of them. Here are my grades; I hope this makes them matter less, not just to me. They aren’t that interesting after all.▲



# A Thirst for Life:

## The Global Injustice of Water Insecurity in Indigenous Communities

Author › Deirdre Pullin  
Contributor

### Introduction

On July 28th, 2010, the United Nations General Assembly recognized the universal human right to clean drinking water and sanitation, which called upon governments and international organizations to provide funding and technology transfer to developing countries in order to realize this right. UN Secretary General Ban Ki-Moon proclaimed that “...all people have the right to safe drinking water, sanitation, shelter and basic services...” To explain what this should entail, The World Water Council has defined “water security” as:

“...ensuring protection and improvement of freshwater, coastal and related systems...promotion of sustainable development and political stability...promotion of access to adequate, safe water at affordable cost for every person...[and] protection of the vulnerable population from the risk of water related hazards.”

Tragically, this is not the case for Indigenous communities around the world, where approximately 370 million Indigenous people lack adequate access to water resources. This inequity is a daily reality in all corners of the globe, from poorer, developing nations in Africa to affluent, developed nations in North America. This paper will identify the issues of inadequate access to safe drinking water in various Indigenous communities around the world, and discuss why this is a pressing global justice issue that affects us all, and what we can do about it.

### The role of government and private entities in water security

The lack of adequate water resources is, in many cases, a direct result of government policies. The process of colonization has forced many Indigenous communities to relocate so that the Crown can use the land and its resources for various reasons. For example, The San people, an indigenous group in Botswana, Africa, were forced by the government to relocate for the purpose of “conservation.” Those who refused to leave suffered in their daily lives due to lack of access to water. Another example is Indigenous communities in the Cauca Basin of Columbia, where community members were forced upstream by colonialists into harsher, less accessible conditions, making it more difficult to access the water they needed.

Although water laws around the world have proclaimed that no one can own water, governments and rulers have often attempted to control who can access it. Because individuals are prohibited from owning water, the government can use its discretion in how the water should be used for the “common good of citizens.” However, the governments’ control of water is not always for the greater good and is often exploited for economic gain. Legislation dating back to colonial times is still in force in some places, providing the government full control and exclusive rights to its water. Take, for example, the *Madhya Pradesh Irrigation Act*



On July 31, 2014, protestors marched in downtown Toronto to demand that the government take responsibility for polluting the English-Wabigoon river system, relied on by the inhabitants Grassy Narrows reservation, such as the woman pictured above.

Source: : Ricochet Media

in India. Enacted in 1931, the Act states that “all rights in the water of any river, natural stream or natural drainage channel, natural lake or other natural collection of water shall vest in the Government”. Furthermore, governments supply inadequate funding, if any, for Indigenous communities to have access to safe drinking water. Many reservations do not have running water or safe wells, forcing individuals to buy jugs of water from a potable drinking water unit (PDWU). Sometimes, there is not even enough funding to pay the salary for a PDWU operator, as was the case in the Indigenous community of Black Tickle-Domino in Labrador, Canada.

Private ownership and exploitation of natural resources for economic gain also plays a large role in limiting access to clean water in Indigenous communities. Land owners have almost complete control over water running through their property. When private entities use land to extract resources such as oil and mining, they can leave lasting and disastrous effects on the land and water. For example, oil production uses two to five barrels of water per one barrel of oil, and the used water is dumped into tailing ponds. These tailing ponds are highly toxic and are responsible for killing wildlife and absorbing chemicals into groundwater,

which puts Indigenous communities, who often live close by to such operations, at risk of consuming contaminated water. The water pollution from oil extraction is also responsible for physical deformities in fish, which are a staple in the diets of many Indigenous communities who live by, and are dependant on, rivers and bodies of water. Additionally, industrial development has led to high levels of mercury in water in and around indigenous communities. In addition to affecting drinking water, the mercury poisons fish that the indigenous communities often use for food and economic gain. This was the case in the 1960s on the reservations of Grassy Narrows and Whitedog in Northwestern Ontario, where a chlor-alkali plant exposed the community to mercury poisoning through consumption of water and fish.

### The global injustice of water insecurity

The denial of access to water to any individual or community is a serious global justice issue, as the UN has consistently made clear. In 2002, the United Nations Committee on Economic, Social, and Cultural Rights issued *General Comment No. 15*, declaring that all humans are entitled access to safe, adequate, and accessible water for consumption and sanitation. In the

Canadian context, alongside infringing the UN's declaration, the denial of access to safe and adequate water in Indigenous communities is a violation of our section 7 *Charter* rights to life, liberty and security of the person. Despite the support of the Supreme Court of Canada on this issue, the Federal Government of Canada refuses to officially recognize access to safe water as a human right. This denial is contrary to the fact that 124 countries recognized and agreed to this right in a UN General Assembly meeting in 2010.

Unfortunately, this problem will only get worse unless steps are taken to rectify it. Projections indicate that developing countries, especially those in Africa and Asia, will continue to be severely affected by lack of access to safe water in future years. These two continents constitute the majority of the earth's population, and indigenous communities are very likely to be the most negatively impacted. But the problem is not isolated to the international community – just drive a few hours west of downtown Toronto to the Six Nations reserve. Despite being one of the wealthiest reservations in Canada, many community members do not have access to a water pipeline and must purchase and store their water in individual, space-limited water tanks. Access to safe and adequate water has become such a dire issue in Canadian Indigenous communities that they have been described as “fourth-world countries.” While Canada ranks eighth on the UN's Development Index, Indigenous communities in Canada rank 32nd. These disconcerting statistics are the everyday realities of life in Indigenous communities in Canada and around the world.

## Improving water security for indigenous communities

Water insecurity can be improved for Indigenous communities at both state and individual levels. Individuals can apply pressure on their government to amend water laws in order to reflect a human rights framework rather than an economic one. Before this reform can be achieved, individuals must be educated about lack of access to water in Indigenous communities and about the essential global issue of water insecurity that will require cooperation now and in the future. For this cooperation to work, states must share resources. Moreover, states and individuals should be prohibited from owning, controlling, and exploiting water resources. The attempt to control access to water is primarily asserted by states and individuals so

that they may exploit the resource for economic gain under the guise of utilitarianism. Historically, under Roman law, states and individuals were to be completely prohibited from owning water due to its direct link to survival. Through the channels of domestic and international law, it should be reaffirmed that bodies of water relied upon by communities cannot be privately owned, with sufficient repercussions should these laws be broken. Quebec adopted this policy in 2009 through *An Act to Affirm the Collective Nature of Water Resources and Provide for Increased Water Resource Protection*. In the Act, Quebec affirmed that water would be “legally considered common heritage” that cannot be appropriated by an individual or state. States can also ensure access to water on a national level by entrenching the right to water in a constitution. Uruguay has done just that by entrenching in their constitution that “water is an essential natural resource and a human right,” protecting the right of all individuals for access to safe water.

Oil production plays a large part in damaging the environment, especially the water that was once used to sustain life in Indigenous communities. One of the biggest problems with oil production is the lack of accountability in monitoring environmental impacts. The official body for monitoring water used in Alberta's oil production is the Regional Aquatics Monitoring Program (RAMP). RAMP is funded by the oil industry and is supposed to include Indigenous communities, environmental NGOs, stakeholders, oil developers, and government agencies. However, most Indigenous communities and environmental NGOs have left RAMP because of doubts in making any meaningful progress together. This departure has effectively left the “fox in charge of the henhouse,” leaving only government agencies, stakeholders, and oil developers with involvement in RAMP. Water monitoring must be done by a neutral, outside body with no economic or political interest in the production of oil. This body must be inclusive of neighbouring communities – indigenous and non-indigenous – in a meaningful and respectful way. Additionally, conserving water and protecting it from environmental impacts, such as oil production, is important for ensuring access to adequate water in Indigenous communities. Individuals can help achieve this by using less petroleum-based products in their daily lives. This will lessen the need for large amounts of water used in oil production and reduce both the amount of pollution that could seep into the ground and the toxic tailing ponds left behind.

We must stop viewing water as a commodity that exists for economic benefit and start recognizing it in its true form – the source and necessity of life. When we treat water as a good to be bought and sold, respect for how it is treated and the consequences of its exploitation are completely lost. This commoditization of water leads to pollution, toxic tailing ponds, poisoning, and run-off that often end up in neighbouring Indigenous communities. Additionally, when water is only considered for its economic benefit, poorer and isolated communities – such as Indigenous communities – are rarely, if ever, benefited as they seldom receive monetary gain or access to the water in question. Instead of recognizing water as a commodity, we must recognize that “water is a common concern of humankind.”

## Conclusion

The lack of access to safe, adequate water and sanitation is not just an Indigenous issue; it is a human issue that requires the attention and concern of everyone in order to improve the crisis faced by 370 million people. Water is not simply a basic human right, but a need that is essential for all life on this planet, both human and non-human. Government policy, commercial enterprise, and the lasting and continued effects of colonization have marginalized Indigenous communities in almost every way imaginable, but access to water should not be one of them. Water is not a privilege, but a right that should be honoured for every human being, regardless of geographical location, race, ethnicity, religion, sex, or any other category. Soon, access to water will be an issue for the majority of the Earth's population, as Asia and Africa will continue to experience higher rates of water insecurity in coming years. The time to act on this alarming and dire issue is now. Measures must be taken to ensure equal access to water for every person, just as the UN had declared in its *General Comment No. 15*. There is no permissible reason or excuse for allowing the needless suffering and, in many cases, death that results from lack of access to safe water. We can no longer stand idly by and allow disadvantaged groups to have their rights violated in this way. Water insecurity is an unnecessary global injustice that can be rectified with changes to government policy, economic regulation, and every day life. It's time to make that change and ensure that no person, regardless of who they are or where they live, goes thirsty again.▲

Continue from cover page »

She is also impeded by a lack of resources. If her brother had been killed by a private civilian, she would get access to public resources to fight her case, but because her brother was killed by police, those public resources are being used against her. In her battle for justice, she has met dozens of other families who were similarly affected by police brutality.

In her fight, she has also met some strong opposition from the police, who have raided her community in hopes of using intimidation to silence her claims. They have threatened her family and friends. But, Shackelia is not backing down. She says these attempts at intimidation only reinforce her belief that she is doing something right.

Shackelia is just one of many people who face this kind of injustice in Jamaica, and she is certainly not alone in the rest of the world. Yet, traditional news outlets have not published her story, and I imagine countless other stories remain untold. It's up to us to be cognizant of these stories and to share them with others

so that we do not lose sight of the fact that police brutality is all too prevalent in the international sphere.

Let's say for a moment that Nakiea was actually the suspect the police sought. Even in that case, it is not up to the police officers to decide his guilt and punishment. Police officers should not be able to act in a judicial capacity, as that is not their role to play. There is a reason matters are decided in court.

Shackelia also spreads an important message about biases that exist in the minds of police officers and the general public. There is this notion that murderers and criminals fit some sort of profile, that they are from disadvantaged socio-economic backgrounds. This idea is also apparent in the United States, with many victims of police shootings coming from poorer socio-economic backgrounds. Shackelia emphasizes that if we, as the general public, continue to hold these biases, then more stories like Nakiea's will exist as police continue to target certain people who meet the profile of a criminal, instead of targeting actual criminals.

The Office of the United Nations High Commissioner for Human Rights released a report titled “Human Rights Standards and Practice for the Police” in 2004. In the report, there is a section regarding “human rights standards” for police force. It is clear that non-violent means are always to be attempted first, and a proportionate amount of force is only to be used when strictly necessary. Police killing and brutality are clearly unjustified under this report and offend human rights and we, especially as law students, cannot let the stories of victims go unheard.▲



# Nolite Te Bastardes Carborundorum

Author › Shelley M. Hobbs  
Contributor



Source: [www.yimg.com](http://www.yimg.com)

One of the best things I ever did as a lawyer took about twenty minutes. It was a simple procedure, requiring very little intelligence or bravery. Yet, it resounded halfway across the world, and meant everything to a family that had faced unimaginable adversity. It was a human thing to do for other humans.

When you go to law school, you discover that not only are you expected to learn reams of information, but also how you are supposed to process that information. Your brain is reorganized. You become an analyst, a sifter of facts, a processing machine of sorts. What is relevant? What is connected? What is proof? Truth, oddly enough, isn't significant yet evidence is. A document or an oral statement. It's all about judging reliability. As if the truth was a wisp on the wind, and somehow it must be captured by observation of everything it passed and everything it may or may not have affected.

I practiced for over 25 years on behalf of vulnerable people. I cannot speak to law as a business, as I was never a public servant and do not come from a business family. It was always significant to me that law was a tool to help others in a pragmatic way. Hence my signing

up for CLASP in October of my first year, my summer jobs at CLASP and Parkdale, and doing the Parkdale poverty law intensive. But, what it took me decades to realize was that law school often does us a horrid disservice in its manner of instruction. It puts that analysis into our hearts as well as our brains.

Think about the last time one of your friends tried to tell you their woes. You immediately thought about how to fix it, didn't you? You parsed what they were saying for facts, you thought about what the other side of the argument could be, you reflectively checked their problems against statutes and regulations, maybe even case-law. It probably took you at least ten minutes to fathom that all they wanted to do was have a good cleansing bitch session. Maybe a shoulder to cry on. You dissociated from their emotional needs and automatically tried to beat the issue to death with your intellect.

It doesn't make you an ogre. I believe we, survivors of this trade, maintain (well most of us) emotional depth. Even creativity. But, law school, and being a lawyer, tends to bleach out the adjectives in favour of reason. Your affidavit is taken much more seriously if its language is bald and calm and matter of fact. Unlike our

American friends, grand gestures and the spewing of florid descriptions are frowned upon, distrusted, and suspected. You are not mechanical, but it helps to follow a recognizable pattern. It assists your client that you are the rational presenter of their story. With exhibits attached.

My proposal is this: do not let go of your soul. Play music. Craft things. Make art. Keep an hour a day for something ridiculous. Say yes. Start with a hug and not a cross-examination. Don't let this job take away that which makes you a person. You will, in the end, be a better lawyer for it.

The thing I did? Simply making notarized copies of some birth certificates. It meant a war-torn family was reunited in Canada. It took less time than a coffee run. It was, strictly speaking, not allowed by my employer. I could have referred the person elsewhere, where they could have paid someone to do it.

But I didn't. I was human. Don't ever forget that you are, too. ▲



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I N N O V A T I V E • E X P E R I E N T I A L • E N T R E P R E N E U R I A L



# Why Kurds Should Vote “Yes” in the Referendum, But “No” for Independence



Source: Rojnama.wordpress.com

Author ›Hunter Norwick  
Contributor

On September 25 residents living in KRG-controlled areas will vote on whether Iraqi Kurdistan should sever itself from Baghdad and become an independent state. For now, we can assume that at least Israel will support the Kurds seizing the reins over their own destiny. This unique amity is the fruit of a mutual apprehension of an imploding Arab world and the security threats posed by Turkey and, of course, Iran.

The rest of the world, however, seems quite opposed to it. Just about every relevant state—Britain, Russia, Germany, and the United States—has unequivocally withheld its support. Baghdad, Tehran, and Ankara lead the fiercest opposition to Kurdish independence, as it would inevitably spur the Kurds in neighboring countries to expect a similar national emancipation. Unfortunately, the Kurds are at the center of the twenty-first century’s Great Game: new players, new stakes—same rules.

## A Post-Saddam Era

Standing on the mountains and peering over Sulaymaniyah, invariably one finds Kurdish locals waving their arms and pacing back-and-forth dangerously close to the precipice to draw out the city’s expansion following the Anglo-American invasion in 2003. Indeed, only two years later Iraq had its first (January) and second (December) free and fair election—the ‘free and fair’ bit being the most important feature.

The new Iraqi National Assembly was tasked with devising a constitution amenable to the interests of religious groups—Christians, Sunnis and Shi’ites—as well as ethnic groups—Turkomans, Arabs, Kurds—in addition to several other minorities. The motley concoction of Iraq’s inhabitants did not make this task simple. Nevertheless, the Kurds, for their part, succeeded in entrenching their gains and turning their de facto autonomy—consolidated in 1992 under a U.S. no-fly zone—into law.

The KRG was given fixed borders and now had the legal right to retain its own militia force. It was granted exclusive control over the region’s land and water rights. But in recent years, constitutional provisions that had been intentionally left vague in 2005 have helped rally Baghdad and Arbil against each other. And there are no assurances that these di e battlefield.

## Why Kurdistan Is Not Ready for Independence

According to the political, military and economic argument—and just about every other indicium one can conjure up—independence will almost certainly augur a future of destitution, isolation, and, worst of all, subordination.

The most contentious feature of the referendum concerns the status of the “disputed territories,” particularly Kirkuk and Shingal (aka Sinjar). These are territories that Baghdad asserts are part of Iraq proper, but which the KRG holds as essential to the

Kurdistan region. The legal means to resolve these disputes is found in Article 140 of the Iraqi constitution, which recommends a step toward normalization followed by a census, and that a referendum be held to determine the will of the people. This procedure, however, was supposed to be completed no later than 31 December 2007.

There are two “camps” competing for the Shingal district. On one side is the Turkey-KDP axis and on the other is the PKK-Iraq-PUK-Iran alignment, which enjoys less of an ideological alliance than a tenuous shared-interest of transitory convenience.

Shingal’s prize feature is not only that it sits on the former IS supply route from Mosul to Raqqa, but also that there may be large, untapped oil reserves in the area. And as of right now the KRG and Turkey have closed their borders to northern Syria, where PKK-linked YPG/PYD Kurdish forces are governing. Having control over Shingal, then, would provide the KRG with additional leverage over its neighbours, and Rojava (west Kurdistan) with an economic lifeline to Baghdad and the rest of the world.

But all of this is a non-starter for Turkey. There are no circumstances under which it will permit PKK-linked forces—in the form of the Shingal Protection Units (YBS)—to retain control over the area. It fears the district and its mountains will provide the PKK with a second Qandil, a region in northeastern Iraq where the militant group has been recruiting and training new cadres since the 1990s. At the very least, PKK control over the Shingal district may develop

into a shock absorber in the event of a Turkish attack in Syria, or a place of refuge for fighters bombed out of Qandil.

Nor will Turkey allow Tehran-loyal Hashd al-Sha'abi militias to consolidate their control over Shingal. This would project Iranian power uneasily close to Turkey's border, and would help secure a "Shia Crescent" from Iran to Lebanon, a prospect that is also liable to antagonize the U.S. and Israel. Iran also has an interest in keeping PKK out of Qandil, since that inevitably invites Turkish forces close to its own border.

But Turkey has already showcased its intentions to thwart any outcome where its own proxies do not prevail. Since 2015 it has been strengthening its forces in the Iraqi city of Bashiqa with a KDP endorsement, and President Erdogan has ordered attacks against PKK-linked groups in Shingal as late as 25 April.

Mahma Khalil, the mayor of Shingal, told Basnews that Yazidis wanted to be part of an independent Kurdistan. But his announcement is simply the product of a KDP patronage network that purchases the affinity of Shingal's elites, but not its people. If it comes down to a referendum, the Yazidis—many if not most of whom remain IDPs and refugees—would probably elect to remain in an Iraqi federation. Ideally the Yazidis would like to have greater control over their own governance, something which the KDP is unlikely to brook. And as a result of callous mistreatment over the years, residents of Shingal feel a deep-seated disdain and suspicion of the peshmerga.

In August 2014, when IS was approaching the area after seizing Mosul in June, the peshmerga abandoned the Yazidis. The massacre that followed turned genocidal. Thousands of men, women, and children were stacked in mass graves while girls were sold into sex slavery. It was only in November the following year that the region was recaptured. The PKK was the only local force initially willing to come to their rescue and the Yazidis are not likely to forget this.

Then there is the problem of Kirkuk. It sits on one of Iraq's largest oil reserves and offers the surest and fastest path to economic independence. The city is broken up into thirds. Less than a third are Arab and Assyrian, one third are Kurdish, and just over one third are Turkoman.

But the Turkoman are apprehensive about the Kurds, share an ethnic affinity for Turkey, and are likely to vote to stay inside Iraq's orbit. For the Arab population, that is a given.

By all means, then, the Kurds are not likely to prevail from a free and fair referendum. Given the indispensability of these regions, it is very possible that the KRG will resort to force to secure their interests. In fact, one can count on it.

The current state of the KRG's economic situation is also worrisome. After the 2014 "oil-for-revenue" deal broke down between Arbil and Baghdad, the KRG started to sell oil on its own accord. But this has largely been a diplomatic and economic blunder. The Iraqi Kurds now depend heavily on Turkey to sustain its economy, and tensions with Baghdad have encouraged an exodus of international oil companies. Prime Minister Haider al-Abadi has also ceased paying the KRG 17 percent of the federal budget, a painful hit to an economy already in tatters.

Moreover, selling oil without Baghdad's consent has had legal ramifications. On July 4, for example, Reuters reported that Canada ordered the seizure of a 720 000-barrel cargo of crude from Kirkuk as requested by the Iraqi Oil Ministry. Baghdad has further threatened to take its complaints to international legal bodies against those countries, particularly Turkey, which purchase oil directly from the Kurds. Despite perhaps being the most effective force against the Islamic State, the Kurds evidently still do not enjoy the diplomatic cover to prevent their independence from turning into isolation.

The Iraqi economy has been doubly battered by the influx of refugees and internally displaced persons fleeing IS-controlled areas. Unemployment is high and the KRG has had difficulty paying its workers. Painful austerity measures have shrunk the budget by over \$10 billion USD since 2014 when global oil prices first plummeted. Half-finished construction projects and derelict infrastructure can be spotted all over major cities. It is arguable that independence will only worsen the crisis.

With Syria in shambles, Baghdad irate, and Iran naturally chary to support Kurdish autonomy, President Barzani has built a house of cards with Ankara as its foundation. Now the KRG's sole egress to the outside world is tethered to the whims of a government which has historically attempted genocide against its own Kurdish population and which also continues to fight a brutal, decades-long war with the PKK. Slim pickings, I suppose.

And the bad news does not end there. The KRG is about as internally divided as it is externally isolated. In 2005 Barzani was appointed president and in 2009 he was re-elected. In 2013 his incumbency was extended till 2015 through a combination of legislative sleights and political ruse. But none of this matters since it is 2017 and he still has not abdicated.

Instead, he has arrogated dictatorial authority over parliament. After protests against Barzani's leadership erupted in Sulaymaniyah in 2015, he blamed the Gorran party for the violence that ensued and barred its members from entering Arbil. Since Gorran has 25 seats (the second most) and holds the position of Speaker, parliament had been—and has since been—suspended indefinitely. It just so happens that the premiership is held by his nephew, Nechirvan Barzani, who alongside his uncle now rules over the tribal democracy that the KRG has become, which more often than not falls closer to the adjective than the noun.

Worst of all, the two major parties have divided Iraqi Kurdistan into modern fiefdoms. Between 1996 and 2006 Iraqi Kurdistan was separated into a "green zone" and a "yellow zone," the former being the region over which the PUK exerted control and the latter referring to the KDP's ambit. A similar de facto arrangement endures today between Arbil and Sulaymaniyah. With the suspension of parliament and with a brute running the presidency, both parties have returned to this collision course with potentially ruinous consequences.

To restart a project that commenced 12 years earlier, in 2006 the KDP and PUK reached an agreement to unify their respective forces and depoliticize the peshmerga. About 40,000 fighters are now nominally under the Ministry of Peshmerga's control, which

is nominally headed by a Gorran member of parliament. But that still leaves well over 100,000 directly beholden to political parties.

Some peshmerga allegiances even break down to an individual level. Bafel Talabani of the PUK, for example, commands an anti-terror force that is not under the authority of any ministry, while Nechirwan Barzani has a personal security force that helped protect Kirkuk oil fields in 2014. This phenomenon is widespread. Thus Kurdistan is composed not of a monopoly but an oligopoly of force, whereby pockets of power dominate across political, ideological, and tribal lines.

Historically these divisions have allowed for outside powers to sow chaos inside the region, pitting the Talabani crew against Barzani's and vice versa. In the midst of the civil war between 1994-1998, Barzani enlisted Saddam Hussein to oust the PUK from Arbil and crush the KDP's opposition, while the PUK sought Iran's backing to defend itself and retake the offensive. The war did not end till Washington brokered an agreement and after 1000 Kurds already lay dead.

## Conclusion

Thus while the people are ready for independence, the KRG and the world are not. On September 25, Kurds must go out and vote "yes" for severing from Iraq, but demand that the KRG withhold its declaration of independence until more propitious circumstances arise. Committing the Kurds to a different course risks dismantling the century-long project for which so many have perished.▲



# Wheezing and Coughing the Latest Trend: Air Pollution Suffocating Developing Countries

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Source: : images.indianexpress.com

Oxygen is seemingly so common on our little blue dot of a planet—it is a crucial part of maintaining life. As we see daily, there may be many tangible and intangible affairs that separate socio-economic divisions, but one equalizer is the fact that everyone needs air to survive. Without it, humanity, our cute furry companions, and the food in our Osgoode bistro would not exist.

With the fall semester coming to a close, and as Ned Stark would claim “winter is coming”, we the North dwellers do not ever give a second thought to our atmospheric conditions. We breathe clean air and whenever we catch a glimpse of a face mask, we wonder what zombie plague is about to begin (or maybe that is just my wild imagination at play). However, we are the fortunate ones, and will probably never experience the suffocation that industrialization unleashes upon millions of other people.

On November 9, the Indian city of Delhi had an air quality index of 999, which is almost 30 times over what is considered a safe limit for air pollution by the World Health Organization. Considered the world’s most polluted city, Delhi is experiencing air pollution levels akin to smoking almost 3 packs of cigarettes a day (that’s basically around 50–60 cigarettes).

All construction and industrial activities in the Delhi-NCR were banned until November 14, alongside civilian monitoring of waste burning. Smog is no punch line to a humorous joke, but rather has significant debilitating health impacts particularly on children, the elderly and pregnant women. Beyond the detrimental health implications of smog, economic initiatives were (and some still remain) halted in the wake of it. In Delhi alone, it was noted that 41 trains were delayed and some even cancelled due to the air quality conditions. You might be thinking, “what about schools?” Unfortunately, these institutions are not in operation with many students at home awaiting the moment they can return to their educational pursuits. Who needs a snow day when we can get a ‘coughing-to-clear-our-lungs’ day? Further

complicating the situation, hospitals were being overrun by people who were experiencing respiratory irritation, yet hospital staff were not prepared to alleviate symptoms due to both a lack of resources and the sheer amount of patients.

Why is Delhi dealing with this heinous bout of smog? Delhi is surrounded by the states of Haryana, Punjab, and Uttar Pradesh, where the farmers burn millions of crop waste prior to farming winter crops. It is currently burning season and bio-waste is a significant contributor to Delhi’s air pollution. Furthermore, Delhi residents utilize significant amounts of crude air conditioners that combust large quantities of air pollutants.

The situation in Delhi is not a novel one in developing countries with rapid economic growth. China is one country where significant smog clouds the greatness of the Forbidden City and the highest skyscrapers. The Communist Party of China has established air quality databases that give hourly readings to help residents and visitors know what the breathing and visibility conditions are. However, in Beijing as opposed to Delhi, the source of air pollution is factory work (both industrial and manufacturer) in the Hebei province that surrounds the capital. Regardless of the different pollution sources in these cities, they all contribute to the horrible smog conditions in Delhi and Beijing.

In both India and China, lax environmental regulations have been the norm in order to promote economic development. The situation is almost akin to Europe’s Industrial Revolution whereby economic goals were prioritized over the environment. However, the massive scale in which smog is affecting both India and China will have an impact on us all. We may not feel the effects of regional smog conditions today or tomorrow, but air particles traverse and may very well come to our beloved Toronto.

So how do we effectively address smog in Delhi or Beijing? Forever the optimist, I would hope that law and regulations can be strictly enforced with a focus on

sustainable development with strict penalties for polluters, but realistically that may (i.e. likely) not happen. Global and national public pressure may play a role but this has usually resulted in the temporary shut-down of polluters, therefore not actually addressing the problem. Short-sightedness is great in thinking about what colour face-mask you want to wear that day but why not have a long-term plan whereby face-masks stay in hospitals instead? An effective legal strategy that can be undertaken will be different in both countries. In India, legally prohibiting crop burning and having government funding for sustainable agriculture enacted into law may be effective. While in China, utilizing the political party’s promotion scheme where economic development and local GDP growth are not the only factors taken into account might work. Instead, it would be wise to include a third factor of sustainable development that incorporates air pollution control measures. This would create both tangible and intangible consequences for being and/or promoting air pollution.

Yet, most people would say there is simply not enough resources and that corruption runs rampant in both countries. Or perhaps some would say that it would be unfair to stop farmers from changing the way they have always farmed. Or, why even address air pollution at all? It’s not in our backyard so why should we care? We should care because right now this little blue dot in the Milky Way galaxy is all we have to live on. We should care because we are alive, and being alive does not mean we should neglect or harm others for our own benefit. We should care because legislative provisions in any country should be followed and not simply be words on a piece of paper. So realistically, do I think that anytime soon Delhi and Beijing alongside many other large developing nation cities will have improved air conditions? Sadly no. But I remain optimistic that one day, air pollution laws will be taken seriously because we have a fundamental right and necessity to breathe clean air. ▲

# Don't Feed the Troll

## A Not Particularly Eloquent or Highbrow Analysis on Jordan Peterson's Appeal

Author › Ian Mason  
Editor-In-Chief



Source: [www.rationalwiki.org](http://www.rationalwiki.org)

We should be grateful to people who use epithets like “social justice warrior” or “cuck.” Such people are essentially saying in a word or acronym, “I am an asshole; please disregard everything I have to say.” Once upon a time, you would have to piece together a history of objectionable statements and opinions to determine if someone was a hateful bigot or arbitrarily adversarial jerk. Now, they have provided others with handy (to borrow their own parlance) trigger words for identifying them as people whose opinions require no consideration. As lawyers, we’re going to be charging monstrous sums for our services, and it’s nice when people don’t waste our time.

I’m bringing this up because I somehow ended up in two conversations about Jordan Peterson in a twenty-four-hour period. One of these conversations was post-hockey bar talk, in which some teammates were expressing sympathy for the Wilfrid Laurier teaching assistant who got in trouble for not immediately and utterly dismissing everything Peterson has to say. The other conversation was with an *Obiter* writer who expressed some respect for Peterson (as we were flipping through the *Obiter* archives and laughing at how *savage* some of the old articles were). Ladies and gentlemen, meet testosterone and alcohol.

To be fair, my teammates weren’t defending Peterson, and mainly expressing sympathy for a woman who was reprimanded for expressing an unpopular opinion. We’re law students. Defending what most people consider indefensible is something most of us will have to do at some point, if not on a regular basis. Considering that conversation led to someone asking if I’d joined the “Pen 15 Club” and subsequently writing “penis” on my hand, let’s just say that wasn’t the intellectual low point of the night. Also, Wilfrid Laurier’s treatment of that teaching assistant was shameful, so my teammates were in the right (and two or three beers in, but that’s just hockey).

As for the *Obiter* writer, we pretty much had to agree to disagree. We like each other and don’t want that to change, so we changed the subject. We did agree that Peterson’s relevance is largely dependent on his ability to antagonize liberal intellectuals, and that a lot of his popularity stems from otherwise-intelligent people being too willing to feed the troll. Either way, you’ll probably see a pro-Peterson article in the future, and it might even be anonymous, because of the whole Wilfrid Laurier thing.

Anyway, if you’re lucky enough to not know who Jordan

Peterson is, he’s the U of T psychology professor who’s infamous for refusing to use gender-neutral pronouns, railing against the liberal academic status quo, and showing just how much a tenured professor can get away with. He’d be a garden-variety alt-right troll if it weren’t for the fact that he’s an admittedly accomplished academic.

I’m going to skip over addressing any of his particularly objectionable views for a few reasons. First of all, you can look them up on your own. Second, it’s too close to exams to waste hours listening to his YouTube videos for a play-by-play. But most importantly, the guy is getting *rich* off a combination of outrage and alt-right desperation for a figurehead whose success is entirely dependent on their willingness to say horrible things for money. Peterson is getting over thirty grand a month in crowdfunding for saying things that would embarrass the stereotypical racist uncle. Granted, he might be getting a lot of that money for better reasons than validating 4chan trolls, but since he was barely making 1/30th that amount before bitching about gender-neutral pronouns, it’s not a stretch to assume he’s cashing in on his notoriety more than his academic credentials. A person can gain a lot of wealth, influence, and fame by pandering to the lowest common denominator, and it’s no coincidence that few people seemed to know or care who Peterson was before he started screeching about identity politics.

The point is that we need to be careful about giving people like Peterson this sort of attention. Putting aside that he feeds on the disdain of liberal intellectuals like a real-life Eric Cartman licking tears off a victim’s cheeks, he’s become so notorious that he seems to have found modest traction among actual academic circles. That is traction he *would never have found* if the visceral reaction of his detractors wasn’t so intense as to inspire curiosity. Yes, it’s unusual for an academic to use epithets such as “social justice warrior” in all seriousness, but that doesn’t change the fact that people who use such epithets don’t deserve the time of day (or at most, a dismissive, “well, aren’t you a prick?”) He didn’t elevate hateful rhetoric by associating it with his credentials; he demeaned himself and his position with hateful rhetoric. We could have dismissed him out of hand, but instead, we helped make him famous. Well played.

In any case, don’t feed the troll. Once upon a time, Jordan Peterson was once a fairly ordinary psychology professor who certainly didn’t get where he was by being wrong about things. Then, one day, he said something monumentally wrong, some people were validated, others freaked out, and now he’s making mad money on making people mad. Somehow, I doubt the trans students he initially offended wanted him to flourish because of his disdain for their gender identity, and yet here we are. He could have been one more insensitive U of T prof with a bad reputation, but he instead became a champion for a world of alt-right trolls who think someone else’s identity is somehow their business. I can almost hear him laughing, and I can’t necessarily blame him.

At least he didn’t trigger me into writing an entire article about him.

Wait, *shit*.

Good luck on your exams. ▀



# The Davies summer experience?

Ask our Osgoode students.



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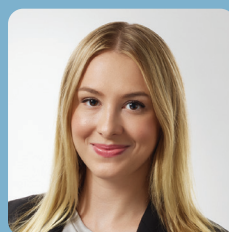
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